

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity
as Secretary of Health and Human Services,
et al.,

Defendants.

Civil Action No. 1:22-cv-00113-HSO-RPM

DEFENDANTS' CONSENT MOTION TO FILE BRIEF IN EXCESS OF PAGE LIMIT

Defendants hereby move for leave to file a rebuttal memorandum in further support of their cross-motion for summary judgment, to be filed on October 19, 2023, in excess of the Court's page limitation by seven pages. The reasons for this motion are set forth further below.

1. Defendants filed their Cross-Motion for Summary Judgment (ECF No. 36) on July 28, 2023 (ECF No. 90). The memorandum in support of that motion (ECF No. 91) is 25 pages long.

2. Pursuant to Local Rule 7.1(b)(5), Defendants' rebuttal memorandum, currently due on or before October 19, 2023, is limited to 10 pages.

3. The opening and rebuttal memoranda in support of Plaintiffs' motion for summary judgment total 40 pages. *See* ECF Nos. 79 (14 pages) & 109 (26 pages).

3. Because of the need to rebut Plaintiffs' 26-page opposition memorandum, Defendants' rebuttal memorandum is approximately seventeen pages long, exceeding the page limit by approximately seven pages and exceeding the number of pages Plaintiffs have filed by only two pages.

4. On October 16, 2023, undersigned counsel conferred via email with counsel for Plaintiffs, Cameron Norris, who consented to this motion.

For all these reasons, Defendants respectfully ask the Court to grant them leave to file a seventeen-page rebuttal memorandum in further support of their cross-motion for summary judgment, to be filed on October 19, 2023, in excess of the Court's page limitation.

Dated: October 16, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

MICHELLE BENNETT
Assistant Director, Federal Programs Branch

/s/ Carol Federighi
CAROL FEDERIGHI
Senior Trial Counsel
BRIAN C. ROSEN-SHAUD
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044
Phone: (202) 514-1903
Email: carol.federighi@usdoj.gov

Counsel for Defendants